



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4444

by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.811 new	
620 ILCS 5/40	from Ch. 15 1/2, par. 22.40
620 ILCS 5/42	from Ch. 15 1/2, par. 22.42
620 ILCS 5/78	from Ch. 15 1/2, par. 22.78

Amends the State Finance Act to create the Federal/State/Local Airport Fund. Amends the Illinois Aeronautics Act. Provides that all federal monies accepted for disbursement by the Department of Transportation under certain portions of the Act shall be deposited into the Federal/State/Local Airport Fund (instead of deposited with the State Treasurer as ex-officio custodian). Provides that beginning on January 1, 2014, the Department shall charge a fee, payable every 2 years, for the registration of each federal license, certificate, or permit of \$20 (instead of \$10) for each airman's certificate and \$40 (instead of \$20) for each aircraft certificate. Replaces the Aeronautics Fund with the Federal/State/Local Airport Fund. Provides that all moneys received by this State or by the Department for and on its behalf, under any of the laws of this State pertaining to aeronautics, including all moneys obtained for certificates, permits or licenses, shall be deposited in the Federal/State/Local Airport Fund. Provides that notwithstanding any other provision of law, in addition to any other transfers that may be provided by law, on July 1, 2012, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balances from the Aeronautics Fund and the Federal/Local Airport Fund into the Federal/State/Local Airport Fund. Provides that upon completion of the transfers, the Aeronautics Fund and the Federal/Local Airport Funds are dissolved and any future deposits due to either fund and any outstanding obligations or liabilities of those Funds pass to the Federal/State/Local Airport Fund. Provides that on July 1, 2012, or as soon thereafter as practical, the State Comptroller shall order and the State Treasurer shall transfer \$6,300,000 from the Road Fund to the Federal/State/Local Airport Fund. Effective immediately.

LRB097 17901 HEP 63124 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Section 5.811 as follows:

6 (30 ILCS 105/5.811 new)

7 Sec. 5.811. The Federal/State/Local Airport Fund.

8 Section 10. The Illinois Aeronautics Act is amended by
9 changing Sections 40, 42, and 78 as follows:

10 (620 ILCS 5/40) (from Ch. 15 1/2, par. 22.40)

11 Sec. 40. Disposition of federal funds. All monies accepted
12 for disbursement by the Department pursuant to Section 38 shall
13 be deposited into the Federal/State/Local Airport Fund ~~with the~~
14 ~~State Treasurer as ex officio custodian~~ and shall be disbursed
15 upon a voucher or order of Secretary of Transportation and paid
16 by a warrant drawn by the State Comptroller and countersigned
17 by the State Treasurer. All such monies are to be expended in
18 accordance with Federal laws and rules and regulations
19 thereunder and with this Act. The Department is authorized,
20 whether acting for this State or as the agent of any of its
21 municipalities or other political subdivision, or when

1 requested by the United States Government or any agency or
2 department thereof, subject to section 41, disburse such monies
3 for the designated purposes, but this shall not preclude any
4 other authorized method of disbursement.

5 (Source: P.A. 81-840.)

6 (620 ILCS 5/42) (from Ch. 15 1/2, par. 22.42)

7 Sec. 42. Regulation of aircraft, airmen, and airports.

8 (a) The general public interest and safety, the safety of
9 persons operating, using, or traveling in, aircraft, and of
10 persons and property on the ground, and the interest of
11 aeronautical progress require that aircraft operated within
12 this State should be airworthy, that airmen should be properly
13 qualified, and that air navigation facilities should be
14 suitable for the purposes for which they are designed. The
15 purposes of this Act require that the Department should be
16 enabled to exercise the powers of regulation and supervision
17 herein granted. The advantage of uniform regulation makes it
18 desirable that aircraft operated within this State should
19 conform with respect to design, construction, and
20 airworthiness to the standards prescribed by the United States
21 Government with respect to civil aircraft subject to its
22 jurisdiction and that persons engaging in aeronautics within
23 this State should have the qualifications necessary for
24 obtaining and holding appropriate airman certificates of the
25 United States. It is desirable and right that all applicable

1 fees and taxes shall be paid with respect to aircraft operated
2 within this State.

3 (b) In light of the findings in subsection (a), the
4 Department is authorized:

5 (1) To require the registration, every 2 years, of
6 federal licenses, certificates or permits of civil
7 aircraft engaged in air navigation within this State, and
8 of airmen engaged in aeronautics within this State, and to
9 issue certificates of such registration. These
10 certificates of registration constitute the authorization
11 of such aircraft and airmen for operations within this
12 State to the extent permitted by the federal licenses,
13 certificates or permits so registered. It shall charge a
14 fee, payable every 2 years, for the registration of each
15 federal license, certificate or permit of \$10 for each
16 airman's certificate and \$20 for each aircraft
17 certificate. Beginning on January 1, 2014, it shall charge
18 a fee, payable every 2 years, for the registration of each
19 federal license, certificate, or permit of \$20 for each
20 airman's certificate and \$40 for each aircraft
21 certificate. It may accept as evidence of the holding of a
22 federal license, certificate or permit the verified
23 application of the airman or the owner of the aircraft,
24 which application shall contain such information as the
25 Department may by rule, ruling, regulation, order or
26 decision prescribe. The Department's authority to register

1 aircraft or to issue certificates of registration is
2 limited as follows:

3 (i) Except as to any aircraft vehicle purchased
4 before March 8, 1963, the Department, in the case of
5 the first registration of any aircraft vehicle for any
6 given owner on or after March 8, 1963, may not issue a
7 certificate of registration with respect to any
8 aircraft vehicle until after the Department has been
9 satisfied that no tax under the Use Tax Act, the
10 Aircraft Use Tax Law, the Municipal Use Tax Act, or the
11 Home Rule County Use Tax Law is owing by reason of the
12 use of the vehicle in Illinois or that any tax so
13 imposed has been paid. A receipt issued under those
14 Acts by the Department of Revenue constitutes proof of
15 payment of the tax. For the purpose of this paragraph,
16 "aircraft vehicle" means a single aircraft.

17 (ii) If the proof of payment of the tax or of
18 nonliability therefor is, after the issuance of the
19 certificate of registration, found to be invalid, the
20 Department shall revoke the certificate and require
21 that the certificate be returned to the Department.

22 (2) To classify and approve airports and restricted
23 landing areas and any alterations or extensions thereof.
24 Certificates of approval issued pursuant to this
25 paragraph, or pursuant to any prior law, shall be issued in
26 the name of the applicant and shall be transferable upon a

1 change of ownership or control of the airport or restricted
2 landing area only after approval of the Department. No
3 charge or fee shall be made or imposed for any kind of
4 certificate of approval or a transfer thereof.

5 (3) To revoke, temporarily or permanently, any
6 certificate of registration of an aircraft or airman issued
7 by it, or to refuse to issue any such certificate of
8 registration, when it shall reasonably determine that any
9 aircraft is not airworthy, or that any airman:

10 (i) is not qualified;

11 (ii) has willfully violated the laws of this State
12 pertaining to aeronautics or any rules, rulings,
13 regulations, orders, or decisions issued pursuant
14 thereto, or any Federal law or any rule or regulation
15 issued pursuant thereto;

16 (iii) is addicted to the use of narcotics or other
17 habit forming drug, or to the excessive use of
18 intoxicating liquor;

19 (iv) has made any false statement in any
20 application for registration of a federal license,
21 certificate or permit; or

22 (v) has been guilty of other conduct, acts, or
23 practices dangerous to the public safety or the safety
24 of those engaged in aeronautics.

25 (c) The Department may refuse to issue or may suspend the
26 certificate of any person who fails to file a return, or to pay

1 the tax, penalty or interest shown in a filed return, or to pay
2 any final assessment of tax, penalty or interest, as required
3 by any tax Act administered by the Illinois Department of
4 Revenue, until such time as the requirements of any such tax
5 Act are satisfied.

6 (Source: P.A. 92-341, eff. 8-10-01; 93-24, eff. 6-20-03.)

7 (620 ILCS 5/78) (from Ch. 15 1/2, par. 22.78)

8 Sec. 78. Federal/State/Local Airport Fund. ~~Aeronautics~~
9 ~~fund.~~

10 (a) All moneys hereafter received by this State, or by the
11 Department for and on its behalf, under any of the laws of this
12 State pertaining to aeronautics, including, without limiting
13 the generality of the foregoing, all moneys obtained for
14 certificates, permits or licenses, including ~~except~~ those
15 funds which are accepted by the Department ~~held by the State~~
16 ~~Treasurer as ex officio custodian~~ under the provisions of
17 Section 40, shall be deposited in the State treasury and set
18 apart as a special fund to be known as the Federal/State/Local
19 Airport ~~Aeronautics~~ Fund. The Federal/State/Local Airport
20 ~~Aeronautics~~ Fund shall be used, subject to appropriations made
21 from time to time, only for such purposes as may be specified
22 under the laws, if any, of the United States, heretofore or
23 hereafter enacted or amended, providing for federal aid in the
24 establishment of public airports, and otherwise only for the
25 regulation and supervision of aeronautics in this State, and

1 the administration and enforcement of the laws of this State
2 pertaining to aeronautics.

3 (b) Notwithstanding any other provision of law, in addition
4 to any other transfers that may be provided by law, on July 1,
5 2012, or as soon thereafter as practical, the State Comptroller
6 shall direct and the State Treasurer shall transfer the
7 remaining balances from the Aeronautics Fund and the
8 Federal/Local Airport Fund into the Federal/State/Local
9 Airport Fund. Upon completion of the transfers, the Aeronautics
10 Fund and the Federal/Local Airport Funds are dissolved and any
11 future deposits due to either fund and any outstanding
12 obligations or liabilities of those Funds pass to the
13 Federal/State/Local Airport Fund.

14 (c) On July 1, 2012, or as soon thereafter as practical,
15 the State Comptroller shall order and the State Treasurer shall
16 transfer \$6,300,000 from the Road Fund to the
17 Federal/State/Local Airport Fund.

18 (Source: Laws 1957, p. 2331.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.